

Attachment J – Public Contact

To: City of Tucson Planning Commission

From: Ruth Beeker, Past President of Miramonte Neighborhood Association Board

Re: Opposition to Miramonte Neighborhood Plan amendment: **Policy 2.4 Preservation and Reuse of Benedictine Monastery Site, Strategies 2.4.1 and 2.4.3**

I oppose amending Miramonte Neighborhood Plan (MNP) with addition of the *entire* Policy 2.4 text.

I believe that any plan amendment initiated by a developer for a specific site is needed only when the existing plan wording is **in conflict** with the proposed development. ***ONLY Strategy 2.4.2 is needed.***

In this case, the developer will be obtaining three City permits: Plan Amendment, Historic Landmark, and Planned Area Development Re-zoning. Each has its own procedures with its own public process. In Policy 2.4, each of the Strategies aligns with a specific permit. To address each permit here, when there is no plan conflict, can divert the individual public processes from getting the attention each merit.

Strategy 2.4.1—Encourage preservation of the Monastery building through an Historic Landmark designation or other preservation mechanism.

There is nothing in MNP which prevents the developer from obtaining Historic Landmark designation. In fact, MNP text on pages 7 and 14 clearly supports preservation of the site.

Conclusion: No amendment needed

Strategy 2.4.2—Promote appropriate adaptive reuse opportunities for the Monastery buildings, including neighborhood-level commercial, office or high density residential uses.

MNP text does not address zoning uses at specific sites; when written in 2007, the document was restricted to vision and values. 2 Exhibits, p. 10 and p. 16, were taken from the Alvernon-Broadway Area Plan. The Concept Map (MPN p.16) does need to be amended to show the proposed uses.

Conclusion: Add a new category to the map legend and add shading on the map

Strategy 2.4.3—Develop residential heights based on the careful design of the project, allowing heights to 55' (as defined by Section 6.4.4 of the Unified Development Code) but with step downs towards Country Club Road. Architectural style of the new development shall be compatible with the Monastery and the overall design character of the neighborhoods. An advisory committee with neighborhood representation shall be formed through the PAD process. The total number of new construction residential units shall be limited to the allowable calculated unit count for the gross area of the site (250 new construction units).

Clearly this strategy addresses the Planned Area Development (PAD) rezoning. In his August 20, 2018 newsletter, p. 16, Councilman Kozacik acknowledged that is usually the case.

“The steps this project will take include amending the neighborhood and area plan, followed by the actual rezoning of the property. Generally, it’s during the rezoning that specifies such as height, uses and architectural conditions are addressed. I advised the project team that in my opinion, it’d be better if they “front-loaded” their plan

amendment package with more—rather than fewer—specific things they are committed to. The project has plenty of controversy. Telling people where you’re headed may answer some of the lingering concerns.”

At the bottom of p. 16, he adds, *“The process so far has been very public.”*

The official MNP Amendment Public Meeting was held March 28, 2018. At that time, the public saw a project which was to have 3 buildings, those to the north and south to be 66’, that to the east 45’. In his weekly newsletters at that time, Councilman Kozacik was adamant that no building was to exceed 44’ height. There have been no announced public meetings since March 28, 2018.

On July 28, 2018, the Arizona Daily Star’s front page headline read: **Monastery developer agrees to drop height, won’t pursue student housing.** The article goes on to report what Councilman Kozacik and the developer had agreed to: “The agreed-upon height is 55 feet for three structures around the monastery. . . and a fourth structure of up to that height on the north-adjacent residential parcel.” “He’ll still have to go through the plan amendment,” Kozacik said. “But he won’t face my opposition.”

Clearly conditions had changed between March 28 and July 28. An additional parcel had been added to the site (which resulted in a fourth structure and in a unit increase from 222 to 250) and, most significantly, buildings would be reconfigured to accommodate the new height restriction. There has been no public discussion of the impact of the 55’ restriction on the project. The only apparent rationale for that specific number is that it comes half way between 44’ and 64’.

By putting the 55’ height restriction on the property prior to a Planned Area Development public process, the City will be restricting vital considerations of the MNP’s Goal # 1: Neighborhood Infill Compatibility; Goal #2: Neighborhood Preservation and Rehabilitation; and Goal #3: Neighborhood Transitions.

“Front-loading” specific project details to the Neighborhood Plan Amendment process appears to deliberately preempt discussion of their impact. To understand how 55’ would impact the project and the neighborhood is a legitimate topic for discussion during the PAD Rezoning process. To have that condition, one made between councilman and developer with no announced public process, finalized through an amendment to the MNP is totally unacceptable. That far exceeds the purpose of the plan amendment process.

Conclusion: Eliminate as part of Plan Amendment; address as part of PAD process

Closing Statement:

Steve Kozacik is right: the Benedictine Monastery has plenty of controversy. His conditional advice to the applicant has added an additional element: What is the proper role of the Planning Commission versus the Zoning Examiner in processing a developer’s application? The Planning Commission makes recommendations to Mayor/Council on plan amendments; the Zoning Examiner makes recommendations to Mayor/Council on rezonings. When a project is complex as this one is, it is even more imperative that all parties—staff, applicant, and decision makers—strictly adhere to that separation of role. The submission of Policy 2.4 Preservation and Reuse of Benedictine Monastery Site

as a Miramonte Neighborhood Plan amendment has clearly failed to respect that distinction.

Miramonte Neighborhood Association
Sam Hughes Neighborhood Association
Neighbors for Reasonable Monastery Development

COMMENTS TO THE CITY OF TUCSON PLANNING COMMISSION

August 30, 2018

Dear Commissioners:

We are a group of neighbors living in the neighborhoods adjacent to the monastery. We oppose the current version of the developer's requested plan amendment dated August 15, 2018, because the scale of the buildings is drastically too large and fails to respect both our low-rise neighborhoods and the historic monastery itself. We believe the developer's fallback option of student housing is an even worse possibility. We call on the developer and the city to consider other options such as owner-occupied town houses, which could be both profitable and respectful of the site and the adjoining neighborhoods.

Our reasons for opposing the current version of the plan amendment are outlined below.

Opposition to the Development Itself: The plan amendment makes way for five-story apartment buildings that are incompatible with the one and two-story homes surrounding the site. These buildings will:

- Diminish and mask the monastery building itself, thereby defeating the purpose of the preservation of the structure
- Dwarf the surrounding historic neighborhoods, casting whole blocks of homes in shadow and cutting off open vistas
- Threaten the privacy of neighbors by exposing homes and yards to views from above
- Create light pollution in otherwise dark neighborhoods
- Set a dangerous precedent for construction of massive, high-rise buildings away from arterial streets in otherwise healthy and stable neighborhoods
- Lower property values of neighboring homes in Miramonte and Sam Hughes, a process that has already begun
- Destabilize surrounding neighborhoods as owner-occupied homes become rentals, a process that has already begun
- Increase traffic congestion on Country Club Road
- Increase cut-through traffic and parking problems on surrounding residential streets

Lack of Specificity: The proposed plan amendment has nothing to do with a vision for the broader neighborhood, but rather has a single, specific purpose: to pave the way for a rezoning to raise the height limits and other limitations imposed by the current zoning. In light of that fact, the plan amendment process is the appropriate place to provide some specific guidelines for the future rezoning process. The neighborhood deserves to know that the accommodation afforded to the developer by the plan amendment will be subject to reasonable constraints.

Given these concerns, we ask you to consider the following modifications to the proposed amendment.

1. **Ban on Group Dwelling:** The developer has said that absent a plan amendment, the site will be developed as student housing. If the existing height limit in the neighborhood plan is relaxed to accommodate the developer, group dwelling should be eliminated as a development option. Should the Mayor and Council elect to support the plan amendment, we hope they will couple that support with a change in the existing zoning to eliminate group dwelling.
2. **Include Specifics:** While we believe the scale of the development is too vast for the site, if the development does go forward, we believe the plan amendment should contain specific provisions to guide the future rezoning process.
 - a. **Height:** An absolute height limit (i.e., the highest element of any part of any building or structure) of 55 feet above current street grade (not 55 feet as calculated under the UDC Section 6.4.4 definition of height, which allows items such as mechanical units to exceed the stated height limit). This is consistent with what the developer told Council Member Kozachik he was comfortable with. Similarly, specify (i) that any building east of the monastery would have an absolute height limit of 40 feet, and (ii) a step-down to Country Club Road such that the portion of any building within 100 feet of Country Club Road have an absolute height limit of 30 feet.
 - b. **Density:** Limit the number of total residential units to 250 or fewer, whether new construction or redevelopment of existing structures. The developer's proposed plan amendment seeks up to 250 *new* construction units, which, together with potential future additional units inside the monastery, exceeds the applicable R-3 zoning density for the site. Again, 250 total units is consistent with what the developer told Council Member Kozachik he was comfortable with.
 - c. **Buffer:** Specify a minimum buffer (consisting of a combination of parking, landscaping or other open space) on the east side of the site to promote a gradual transition to the neighborhood. For example, some of the developer's latest renderings include surface parking on the east side.
 - d. **Parking:** Sufficient parking for the residences and any future uses of the monastery to be provided on-site.

We thank the commissioners for this opportunity to provide comments on this proposed plan amendment. We are open to discussing potential compromises, and remain hopeful that the interested parties can come together to explore creative solutions to resolve this situation to the satisfaction of the neighborhoods and the developer.

Neighbors For Reasonable Monastery Development

Thursday, May 3, 2018

Scott Clark
Interim Director
Planning and Development Services
201 N. Stone Avenue, 1st Floor
Tucson, AZ 85701
(520) 791-5550

Dear Mr. Clark:

We are a group of neighbors from Miramonte and Sam Hughes writing you regarding the proposal from developer Ross Rulney to construct apartment buildings as high as seven stories -- one story of parking topped with six stories of apartments -- around the Benedictine Monastery on Country Club Road at East Third Street.

We would like to call to your attention to features in Mr. Rulney's proposal that are inconsistent with the 2008 Miramonte Neighborhood Plan ("MNP"). The MNP will have to be amended for the proposal to move forward.

We have identified nine areas where Mr. Rulney's proposal is inconsistent with the MNP.

1. Scale Should Respect Adjacent Neighbors

On page 12 of the MNP, Strategy 1.1.1, the neighbors stated that "To the extent possible, [new developments should] ensure that the scale respects adjacent neighbors."

The scale of the proposed project, which includes buildings standing seven stories or 80 feet, does not respect the adjacent neighbors. These neighbors, most of whom are opposed to the project, would see their property values lowered as the proposed project would diminish or eliminate mountain or sunset views and yard privacy. Living in the shadow of a massive building would lower property values.

2. Encourage Two-Story Owner-Occupied Units

On Page 15 of the MNP under Strategy 2.3.2, it states: "Encourage proposed development that is two-story owner-occupied units in R-3."

The proposed development, the majority of which is on the portion of the parcel zoned R-3, is neither two-story nor owner-occupied. The proposal is fully not in compliance with this section of the MNP.

On Page 16 in the Conceptual Land Use Map, the MNP designates the frontage along Country Club Road for high-density residential whereas the rear portion of the parcel, making up more than half of the

property, is designated for low-density residential. Mr. Rulney's proposal for high-density development of the back portion of the parcel is in direct conflict with this portion of the MNP.

3. Strive For Gradual Transitions Between Land Uses

Page 6 of the MNP states: "The Neighborhood faces a challenge in the transition between land uses. The commercial edges need to make a successful transition to residential areas of varying densities, and the residential areas need to make successful transitions between differing densities. This challenge is all the more difficult because while the zoning allows abrupt changes between zones, there is the desire to see more gradual changes."

The transition from the proposal's eastern building to the adjacent one- and two-story homes is abrupt, failing to meet the neighborhood's desire for gradual transitions. Likewise, the transition from the 80-foot buildings to the adjacent low-rise multifamily complexes to the north and south are also abrupt, as is the transition from those larger buildings to the one- and two-story homes across Country Club Road in Sam Hughes. All buildings in the immediate vicinity are at most two stories, meaning that any tall buildings on the developable land in the monastery parcel will fail to comply with the MNP's call for gradual transitions.

The need for better transitions is a recurring theme in the MNP. On page 8, it states, "Better Transitions Between Different Land Uses, Zones, and Districts: The abrupt changes from different zones and land uses will be softened by good quality design so that there are smooth transitions between potentially contrasting uses. Business uses will gradually give way to higher density residential development and higher density residential development will gradually give way to lower density residential development. As such, the Neighborhood will feel like an integrated whole rather than a collection of disparate land uses."

Again, the proposed transition between 80-foot, high-density, apartment buildings and low-rise, low-density homes is stark and does not comply with the MNP's repeatedly mentioned desire for smoother transitions.

4. New Construction Will Be Unobtrusive

Page 7 of the MNP states: "New construction will be unobtrusive but innovative and interesting in building design and landscaping, such that it is compatible with its surroundings."

The proposed apartment buildings would be visible for many blocks in every direction, such that once private backyards would have apartment dwellers looking down on them. An 80-foot building immediately adjacent to one- and two-story residences cannot be considered either "unobtrusive" or "compatible with its surroundings."

5. Preserve The Monastery and Its Grounds

Page 7 of the MNP states: "Miramonte Neighborhood will continue to be a diverse mix of businesses, offices, churches, and single-family and multi-family structures. Older residences will be rehabilitated, ensuring that the character of the area is maintained. Special places, such as the Benedictine Monastery with its spacious grounds and St. Marks with its community facilities, will be preserved and adequate open space with attractive landscaping in new developments will enhance the nature theme of Miramonte Park."

The proposed development does not preserve the spacious grounds of the Benedictine Monastery, as the neighbors intended. On the contrary, Mr. Rulney has stated on numerous occasions, including at the March 28, 2018, neighbor meeting, that “every square inch” of the property shall be developed. In particular, nearly all of the “spacious grounds” referenced in the MNP will be bulldozed and replaced with apartments or parking, including the large historic citrus orchard.

Likewise, the proposal does not respect the Monastery as a special place, as the MNP states. The Monastery will be surrounded on three sides by buildings that do not relate to it architecturally or historically in any substantial way.

More generally, the MNP contemplates the continued existence of the Monastery property as a use distinct from the surrounding offices and various residential uses. Converting a large portion of the site to another use is inconsistent with the MNP.

6. Meet Desires and Expectations of Residents

On page 10, the MNP notes that development projects should meet the desires of residents, stating, “This Plan is intended to set out design, planning, and development intentions so that those involved in development and redevelopment can calibrate their proposals to meet the desires and expectations of the residents of the Miramonte Neighborhood.”

Mr. Rulney has repeatedly stated that the height and density of the project is “not negotiable” and that if the proposal fails, he will sell to another developer who could raze the monastery. The proposal is not calibrated to meet the desires and expectations of the residents when it is presented as you accept this or the Monastery is gone.

7. Provide Ample Landscaping

On Page 17, under Strategy 3.1.2, the MNP states: “Provide ample landscape, shade trees, and screening in parking areas adjacent to residential property.”

The plan shows minimal landscaping and very few shade trees in parking areas. It is entirely not compliant with this portion of the MNP.

Strategy 3.2.2 states: “Use extensive landscape plant materials and screening to buffer the edges of higher density residential development.”

No amount of screening and landscaping can buffer four- to seven-story heights. It is one thing to buffer a two- or three-story building, and quite another for the much higher elevations in this proposal.

8. Enhance Pedestrian Environment

Page 5 of the MNP states: “As development and traffic pressures increase in the Neighborhood, there is a strong need to enhance the pedestrian environment for residents to make the Neighborhood a safer and more humane place to live.”

Adding additional traffic near the intersection of Third Street and Country Club will not make the neighborhood safer for the pedestrians and cyclists who use that intersection to access Sam Hughes and

the University, nor those who cross the intersection to get to the businesses near Speedway and Miramonte.

9. Provide Screening and Distance Between Parking and Curb

On Page 17, under Strategy 3.2.3, the MNP states proposed developments should "Locate on-site parking areas away from the streetscape, incorporating screening between the parking area and curb."

The plan shows massive parking fields with minimal screening along Country Club and to the north of the northern building. These parking lots are not located away from the streetscape as the MNP states nor do they incorporate sufficient screening.

In closing, these nine serious concerns -- ranging from project scale and transitions between land uses to landscaping, parking and the desires of residents -- make the proposal wholly noncompliant with the existing 2008 Miramonte Neighborhood Plan. For this reason, we ask that the City initiate a formal process to amend the Miramonte Neighborhood Plan to allow for this project rather than proceeding immediately to zoning.

Thank you for this opportunity to bring our concerns to your attention.

Our best regards.

Sincerely,

Miramonte Neighborhood Association (by unanimous board vote)

Sam Hughes Neighborhood Association (by unanimous board vote)

Individual Signatories from Miramonte and Sam Hughes:

Cheryl Blum
Vanessa Buch
Ruth Campbell
Sammy Campbell
Diane Chapman
Sally Day
Wieke de Boer
Lisa Dollinger
Karen Dahood
Roger Dahood
Margaret Evans
Regis Ferriere
Jeri Goldblatt
Kevin Koch
Nicole Koch
Jason Kreag

Greg Livingstone
Dan McFatter
Qing McFatter
Dominic McGrath
Tyler Meier
Brad Miller
Kirby Mittelmeier
Telsa Mittelmeier
Karl Newell
Andrew Paek
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